

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES C. COOGAN,

Plaintiff,

v.

KEVIN CARR,

Defendant.

ORDER

18-cv-758-bbc

Pro se plaintiff Charles C. Coogan is proceeding on claims that his requests to work outside the Oakhill Correctional Institution have been denied because of his disability, in violation the Rehabilitation Act, 29 U.S.C. § 794, and the Americans with Disabilities Act, 42 U.S.C. §§ 12111–213. After defendant Kevin Carr filed a motion for summary judgment, plaintiff filed a motion to voluntarily dismiss the case. Dkt. #51. Defendant responded that he did not oppose dismissal so long as the dismissal was with prejudice. Dkt. #54. Defendant also stated that he would waive costs if dismissal was with prejudice. Plaintiff has filed a follow up motion, stating that he is seeking dismissal with prejudice. Dkt. #56. Therefore, I will grant plaintiff's motions. This case will be dismissed with prejudice and without costs to either side. Plaintiff's pending third motion for assistance in recruiting counsel, dkt. #40, and defendant's motion for summary judgment, dkt. #44, will be denied as moot.

ORDER

IT IS ORDERED that

1. Plaintiff Charles C. Coogan's motions to voluntarily dismiss this case, Dkt. #51 and Dkt. #56, are GRANTED. This case is DISMISSED WITH PREJUDICE and without costs to either side.

2. Plaintiff's renewed motion for court assistance in recruiting counsel, dkt. #40, is DENIED as moot.

3. Defendant Kevin Carr's motion for summary judgment, dkt. #44, is DENIED as moot.

4. The clerk of court is directed to enter judgment and close this case.

Entered this 14th day of November, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge